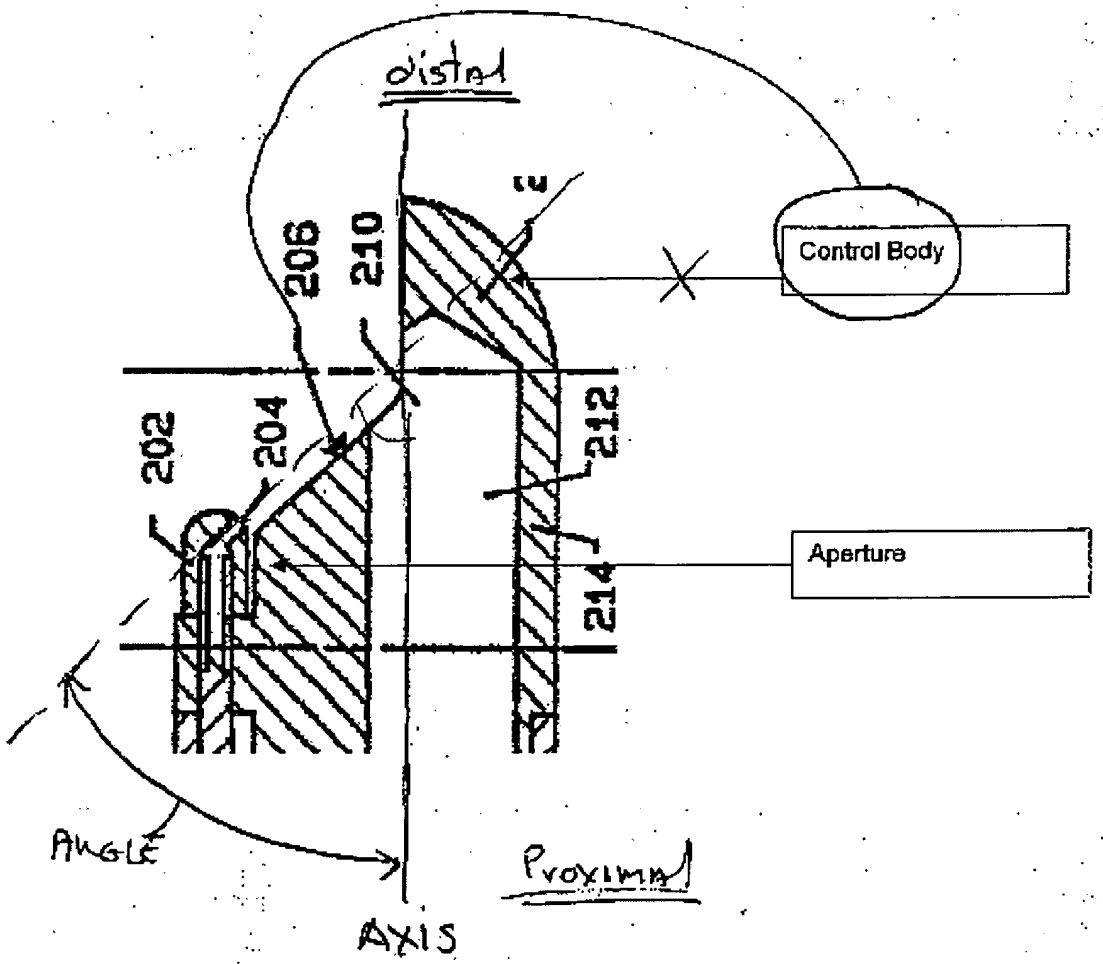
REMARKS

With regard to anticipation under section 102, applicant is in general agreement with the Examiner 's understanding of the Drasler reference except the orientation geometry of the nozzle. The claim previously amended does not describe the Drasler device because Claim 19 calls for the direction of the jet to be **retrograde** viz: *"said aperture defining a first aperture direction for the emerging flow that lies between approximate ninety degrees and forty-five degrees, as measured from an axis along the catheter body, where zero degrees corresponds to a directly retrograde flow and ninety degrees corresponds to lateral fluid ejection from the catheter body, and whereby a primary fluid jet ejected from said aperture initially flows in said first direction; "* .

Applicant's position is best understood with reference to the figure below drawn from the Examiners action.



In the figure the central axis is marked "axis" and the relevant angle between the axis and the aperture is marked "angle". As this angle approaches zero the aperture turns and ejects fluid more toward the proximal end. Therefore claim 19 does not describe this Drasler construction. Also please note that the control body near the aperture is more accurately identified in the figure by element 206.

In essence the claimed geometry requires that the primary jet shoot out laterally to rearwardly, in contrast to the Drasler primary jet emerging from orifice 204 which shoots forward and inwardly. For this reason the claim as written is not anticipated. Dependant claims 21 and 22 are free of this reference as dependent claims.

Claim 26 is rejected as obvious in view of the teaching of Ruggio taken with Kensey.

The Examiner has rejected claim 26 based on the Ruggio reference 5,476,450. Claim 19 has been amended to make it clear that the aperture needs to lie adjacent to the control body, a geometry not met by the Ruggio reference where the control body in the Examiner's nomenclature lies outside of the distal aperture and no "combined flow" can occur driven by the primary jet. Claim 26 has been amended to also require that the ejected fluid be adjacent to the control body although it truth it was Applicant's intention to achieve that geometric requirement with the word proximate. It is hoped that adjacent will provide additional clarity to the claim.

Claims 23-25 have been rejected as unpatentable over Kensey 4,631,052, further in view of Ruggio 5,476,450. Here too, claim 23 has been amended to require that the fluid aperture be located adjacent the control body which is a geometry not shown in Ruggio as explained above, nor shown in Kensey. It is important not to loose site of the fact that in Kensey the fluid is used to drive a cutter head and mechanical energy is provided by the fluid to drive this cutting device rather than relying on the activity of the fluid to interact with the occlusive material as taught by Applicant's invention. With regard to the double patenting rejection, Applicant respectfully requests reconsideration of the rejection in light of the amendments to the claim and recognition that the claim scope differs substantially from that present in the '698 patent.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
SPRITE SOLUTIONS
By its attorneys:

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Robert C. Beck
Registration No. 28,184
Beck & Tysver, P.L.L.C.
2900 Thomas Ave., #100
Minneapolis, MN 55416
Telephone: (612) 915-9635
Fax: (612) 915-9637